

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Joseph Petersmark,

Petitioner,

Case Number: 24-11139  
Honorable F. Kay Behm

v.

Chris King,

Respondent.

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**OPINION AND ORDER DENYING RESPONDENT’S MOTION  
TO CONSOLIDATE (ECF No. 11) AND SETTING DEADLINES**

Petitioner Joseph Petersmark, currently in the custody of the Michigan Department of Corrections, filed this petition for a writ of habeas corpus in April 2024. He challenges his plea-based conviction for extortion, Mich. Comp. Laws § 750.213. In June 2024, Petersmark filed a second petition challenging the same extortion conviction. *See Petersmark v. Christiansen*, No. 24-11464. The second petition was reassigned to the undersigned district judge. *See id.*, ECF No. 11. Now before the Court is Respondent’s Motion to Consolidate this case with Case No. 24-11464.

This Court has dismissed the second petition without prejudice because it is duplicative of this earlier-filed petition. Therefore, Respondent’s Motion to Consolidate is moot and will be denied as such.

Although Petitioner challenged the same conviction in both petitions, he did not raise identical claims. The Court will provide Petitioner time to file an amended petition in this case (should he wish to do so) raising all his claims in a single petition.

Accordingly, **IT IS ORDERED** that Respondent's Motion to Consolidate (ECF No. 11) is **DENIED**.

**IT IS FURTHER ORDERED** that if Petitioner wishes to raise the claims presented in Case No. 24-11464 in this proceeding, he must file an amended petition within **THIRTY DAYS** from the date of this Order. The amended petition will supersede the original petition. Therefore, Petitioner must raise all the claims for which he seeks relief in the amended petition. Petitioner is not required to file an amended petition if he does not wish to raise any additional claims.

Respondent shall file an answer and produce the state court record within **NINETY DAYS** of the date of this order.

**IT IS FURTHER ORDERED** that Petitioner shall have 45 days from the filing of the answer to file a reply brief.

Date: December 10, 2024

s/F. Kay Behm  
F. Kay Behm  
United States District Judge